IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

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WRIT PETITION NO : 18687 of 1998

Between:

Maram Reddy Ranga Reddy, S/o. Raghunatha Reddy, R/o. Thatakuladinna (V), Kodavalur (M), Nellore District.

..... PETITIONER

AND

1 The Registrar of Cooperative Societies, Government of A.P., Gruhakalpa, M.J. Road, Hyderabad.
2 The Senior Inspector, Nellore District Cooperative Central Bank Ltd, Atmakur Branch, Nellore District.
3 The Secretary, Pemma Reddy Palam Primary Agricultural Cooperative Credit

Society Ltd, Pemma Reddy Palam (V), Kodavalur Mandal, Nellore District.
4 The Special Cadre Deputy Registrar, Officer on Special Duty , O/o. The Nellore District Cooperative Central Bank Ltd., Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not following the procedure contemplated under Sec 71 of the A.P. Cooperative Societies Act, 1964 in respect of the recovery under Loan Account No. 2/91-92 of the petitioner under the debt due to the 3rd respondent -society as illegal, arbitrary and violative of Art. 14 of the constitution of India and consequently declare that the 2nd respondent has no authority or jurisdiction to conduct the enquiry in respect of the loan account No. 2/91-92, in respect of the loan obtained from the 3rd respondent -society and consequently direct the 4th respondent to conduct the Enquiry under Sec. 71 of the coop. Societies Act, duly affording opportunity to the petitioner and also consider the representation dt. 18-3-97 for rescheduling the loan amount under account No. 2/91-92.

Counsel for the Petitioner : MR.VENKATA RANGADAS KANURI

Counsel for Respondent Nos.2 and 4 : MR.K.MURALIDHAR REDDY

Counsel for Respondent Nos.1 and 3: G.P. for Cooperation

The Court made the following :

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ORDER:

Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

The petitioner claims to have taken a crop loan of Rs.94,000/- from the third respondent under Loan account No.2/91-92. It is stated that he paid instalments promptly till the end of 1994 and as he sustained loss in the crop, he was unable to discharge the remaining loan amount. His grievance is that though he made several representations the latest of which is dated 18-3-1997, requesting the fourth respondent-bank to reschedule the outstanding loan amount, no action has been taken in the matter, and on the other hand the second respondent is trying to take away his movable articles without following the procedure contemplated under Section 71 of the Co-operative Societies Act, 1964 (for short "the Act"). Therefore, seeking a direction to the fourth respondent to conduct an enquiry under Section 71 of the Act and to consider the representation dated 18-3-1997, the petitioner filed this writ petition.

Having regard to the facts and circumstances of the case and in view of the fact that the representation said to have been made by the petitioner is pending with the fourth respondent, I deem it appropriate to direct the fourth respondent to consider the representation dated
18-3-1997 said to have been made by the petitioner and pass appropriate orders thereon in accordance with law.

With the above direction, the writ petition is disposed of. No costs.

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N.V. RAMANA, J

Date: 23-02-2005

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Registrar of Cooperative Societies, Government of A.P., Gruhakalpa, M.J. Road, Hyderabad.
2 The Senior Inspector, Nellore District Cooperative Central Bank Ltd, Atmakur Branch, Nellore District.
3 The Secretary, Pemma Reddy Palam Primary Agricultural Cooperative Credit Society Ltd, Pemma Reddy Palam (V), Kodavalur Mandal, Nellore District.
4 The Special Cadre Deputy Registrar, Officer on Special Duty , O/o. The Nellore District Cooperative Central Bank Ltd., Nellore District.

5 Two CD copies.

6 Two CCs. to the Government Pleader for Cooperation, High Court Buildings, A.P., Hyderabad (OUT).

Form-*NIC-OGS/WP{**SRAVAN**}*